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### **Statements issued by Oryx Media (20 – 28<sup>th</sup> July 2017) on behalf of the Ahmed Timol Family Trust for the re-opening of the Ahmed Timol Inquest.**

28 July 2017

Statement from the Ahmed Timol Family Trust

#### **DID AHMED TIMOL JUMP, OR WAS HE THROWN OR DROPPED BY POLICE? Trajectory expert testifies to re-opened inquest today**

Using the eye-witness account of retired advocate Ernie Matthis on the orientation of Ahmed Timol's body as he fell, calculated against the weight of the body and the distance from the building where it landed, an aeronautical engineer specialising in trajectory calculations will present his findings to the re-opened inquest today on whether Timol jumped, was thrown or dropped to his death.

Ahmed Timol, an anti-apartheid activist representing the then-banned South African Communist Party, died four days after being detained by police 46 years ago. Police said they treated him well prior to his committing suicide by jumping from a 10<sup>th</sup> floor. They said his suicide was consistent with an instruction published in a communist newsletter that detainees should commit suicide to avoid revealing information. The magistrate who conducted the original inquest believed the police.

Former communists have dismissed the suicide instruction as a police fabrication and its alleged publication as a police forgery.

When activists were detained in those days, they entered what psychologist Professor Don Foster described to the court yesterday as a "closed system", totally at the mercy of their captors – who practised systematic and brutal physical and psychological torture – and by extension, state doctors and judicial officers.

Seventy-three political detainees died in detention between 1963 and 1990. The police commonly ascribed the deaths to suicides or accidents. Although the fact that

police tortured and assault detainees was widely known then, not least by the police, detainees, lawyers, prosecutors and judges – and this fact became even more widely known during Truth and Reconciliation Commission hearings 20 years ago, no members of the police have ever been held accountable.

The State agreed to re-open the Timol inquest after an investigation commissioned by the family unearthed new evidence.

Among this evidence was that presented by forensic pathologists earlier this week. Working separately, the pathologists arrived at similar conclusions: Timol was so badly injured prior to the fall that he may have been unconscious, and was certainly not in a position to have been enjoying a quiet cup of coffee before springing up and jumping through the window, as the police contended.

On Monday, retired state advocate Ernie Matthis testified that he was working on the fourth or sixth floor of John Vorster Square when he saw the body fall. It was falling horizontally, not head or feet first, parallel to the face of the building with the head pointing towards the highway. Matthis said he looked down to see where the body landed, and immediately looked up, and couldn't see an open window.

There have been various vague references in cross-examination this week to the possibility that Timol may have been thrown from the roof.

Today's testimony by aeronautical engineer Thivash Moodley is expected to interpret Matthis' testimony. Moodley's calculations have also included building and window measurements. Moodley has 19 years' experience in trajectory calculations in the aerospace, defence and vehicle dynamics field.

Seven former security policemen have been subpoenaed to give evidence to the re-opened inquest, most of them next week. Among them is the former administrative clerk, Sergeant Joao Anastacio Rodrigues, who was the only person in the room with Timol when he jumped, on the police version of events.

A mystery legal application by Rodrigues legal representative this week, relating to Rodrigues' not having access to the original inquest file – which is missing and may have been destroyed – was mysteriously withdrawn yesterday before being presented.

Lead investigator for the Timol family, the internationally acclaimed Mr Frank Dutton, told the court about documents he discovered in Rodrigues' police file.

Dutton's affidavit included the following account:

“He (Rodrigues) bought his discharge on 5 June 1972. On 20 June 1972, he received a Letter of Commendation for “service to the State” from Commissioner of Police, General GJ Joubert. This was just two days before the Magistrate issued his finding into the death of Timol on 22 June 1972, which exonerated the police from any wrongdoing.

“In this letter the Commissioner expressed his ‘appreciation’ for the ‘dedicated service’ of Rodrigues to the State as well as his ‘exemplary’ behaviour which was demonstrated by his ‘unblemished record’ which he served in a ‘faithful and competent manner’.

“I find this letter particularly curious in the light of the following, which emerged from his member file.

“He joined the SAP on 9 February 1956 and on 27 June 1956 he was convicted of Statutory Perjury for Contravening Section 9 of Act 16 of 1914 and given a suspended sentence for five years provided he was not again convicted of an offence involving dishonesty.’

“He spent his entire career in clerical positions in the Finance Section at HQ. During 1969 he transferred to the Salary Section of Security Branch Headquarters, Pretoria.

“According to his SAP 28 he took 301 days sick leave between 9 February 1957 and 15 November 1971, including 53 days sick leave he took for Sport related injury. This is in my opinion an extraordinarily high number of sick days.

“He failed to stop Mr Timol from escaping from room 1026, notwithstanding Timol’s dire condition after nearly five days of torture, abuse and sleep deprivation. According to his member file he was 6 foot high and weighed 142 lbs in 1956 and in 1975 he was 1m 89cm high and weighed 87 kgs. This contrasts sharply with Timol’s size as recorded in the Post Mortem Report, which was 1m 60cms and 65 kg in width. According to Rodrigues file, he was active in the following sports` : karate, boxing, wrestling and athletics.

“He was issued with no letters of recommendation, recorded achievements, medals for bravery of good service,

“On Tuesday 18 July 2017 I attended an inspection of member files at SAPS HQ. I inspected some 28 former SB members who were present at John Vorster Square in October 1971. None of their files contains such letters of commendation.

“His letter of commendation as well as his certificate of service which described his police service as ‘exemplary’ with an ‘unblemished record seems wholly irrational to me. In the circumstances it has to be asked whether Rodrigues was being commended for his role in the Timol matter”.

- The inquest is being held in Gauteng Division of the High Court, Pretoria, in Room 2D. Members of the public are welcome to attend.
- The Ahmed Timol Exhibition is running at the Ditsong Museum (149 Visagie Street, Pretoria) until 22 September. Entrance costs R15 for children and R32 for adults. The Museum is open Monday to Friday between 8am and 4pm.

**Ends...**

**Distributed by Oryx Media**

27 July 2017

Statement from the Ahmed Timol Family Trust

## **INQUEST TO HEAR APPLICATION BY EX-SECURITY COP TODAY** **Sergeant Rodriguez was the man in the room with Timol before he fell**

After receiving medical evidence yesterday of the devastating injuries Ahmed Timol endured prior to his fatal fall while under interrogation by apartheid security police – evidence which appeared to directly contradict the security police version of events – the re-opened Timol inquest will today hear an application by lawyers representing the security policeman who was in the room with Timol immediately before his death.

Timol, a member of the then-banned South African Communist Party, died four days after being arrested at a roadblock in October 1971

Adrian Thompson, a member of former Sergeant Joao Rodriguez's legal team, informed the court on Monday that he would be bringing an application in respect of his client's right to receive a full record of the original Timol inquest that took place 46 years ago prior to his appearance. Rodriguez has been subpoenaed to give evidence on Monday.

According to the State, the full document appears to have been "lost" or is "missing". Part of the record has been reconstructed, but the first 700-odd pages cannot be found and may have been destroyed.

Mr Justice Billy Mothle yesterday asked the legal teams of all the parties to prepare to argue Rodriguez's application today.

The exact nature of the application has not been revealed, nor the relief sought in the absence of the original papers. Judge Mothle said that after the matter had been argued he may need some time to consider his ruling.

Rodriguez's evidence is considered critical as according to the police version of events he was alone with Timol in the 10<sup>th</sup> floor interrogation room when Timol "committed suicide".

According to news reports at the time of the original inquest, security police contended Timol had been well treated in detention, and was calmly drinking a cup of coffee in Rodriguez's company when he suddenly jumped up, darted to the window and jumped out. Rodriguez, who was sitting at a table opposite Timol, couldn't get round the table fast enough to grab him. The inquest magistrate believed the police...

Forensic pathologists Professor Steve Naidoo and Dr Shakeera Holland blew holes in the police story yesterday. Having reviewed the post-mortem report, including photographs, and other available evidence, they both expressed strong professional

opinions that Timol had been so severely assaulted prior to the fall that it would have been physically impossible for him to have drunk coffee, let alone spring up, run to and jumped from the window.

He may have been unconscious before he fell, they said.

Prior to Rodriguez's application today, the re-opened inquest will hear the evidence of Frank Dutton, lead investigator for the Timol family, and criminologist, Dr Don Foster.

\* Ahmed Timol was the 22<sup>nd</sup> of 73 political detainees to die in detention between 1963 and 1990. Although the families of several of the detainees, including Timol's mother, Mrs Hawa Timol, approached the Truth and Reconciliation Commission in a quest for justice, to date no police have been held accountable for any of the deaths.

\*\* South African Communist Party's First Deputy General Secretary Solly Mapaila and Second Deputy General Secretary Chris Matlhako are expected to attend the inquest today to express solidarity with the family and its quest for justice.

**For more information please call Benny Gool on 082 5566 556 or Roger Friedman on 0798966 899.**

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27 July 2017

Statement from the Ahmed Timol Family Trust

### **INQUEST JUDGE TO HEAR APPLICATION BY EX-SECURITY COP TODAY Sergeant Rodriguez was the man in the room with Timol before he fell**

After receiving medical evidence yesterday of the devastating injuries Ahmed Timol endured prior to his fatal fall while under interrogation by apartheid security police – evidence which appeared to directly contradict the security police version of events – Timol's re-opened inquest will today hear an application by lawyers representing the security policeman who was in the room with Timol immediately before his death.

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26 July 2017

Statement from the Ahmed Timol Family Trust

## **PATHOLOGISTS BLAST HOLES IN POLICE VERSION OF EVENTS**

### **Timol severely assaulted prior to his death**

Forensic pathologists Professor Steve Naidoo and Dr Shakeera Holland have blown gaping holes in the security police version of the events that led to the death in detention of anti-apartheid activist Ahmed Timol 46 years ago.

At the behest of the Timol family, the two specialists separately reviewed all available literature from the original Timol Inquest, including the post-mortem report and series of photographs attached thereto. They presented their reports today to the re-opened inquest sitting in the North Gauteng High Court.

Both concluded that Timol sustained major injuries before falling to the ground from a 10<sup>th</sup> floor window at John Vorster Square police station 4 days after being arrested.

The police version of events, endorsed by Magistrate De Villiers who presided over the first inquest, was that Timol had been well treated while in custody, and was drinking a cup of coffee in the company of a Sergeant Joao Rodriguez when he unexpectedly jumped from the window – so quickly, that Rodriguez had no time to stop him.

But Professor Naidoo, former Chief Specialist and Professor of Forensic Medicine at the University of KwaZulu Natal in Durban, said in his opinion Timol had been so severely assaulted that he would have found it “immensely difficult” to climb onto the windowsill.

It was not unlikely that Timol was unconscious, or slipping in and out of consciousness, when he fell from the window.

“Could the deceased have clambered up to the window ledge in the condition he was in? I believe this is immensely difficult to do with a likely left ankle fracture-dislocation and severe injury to the right calf muscles (plus the other bodily injuries which, although skin injuries, the significant somatic effects of these must be borne in mind).

“Generally, if he had to have tried to heave himself up to the ledge, he might have required to clamber up onto the chair or the adjacent heater panel and this would have required the necessary time interval for an injured person to execute.”

Dr Holland, attached to the Gauteng Health Department and the University of the Witwatersrand, has conducted between 4000 and 5000 post-mortems.

She listed a plethora of bruises, scabs, contusions, abrasions and fractures that she said could not be associated with the fall. These included a depressed skull fracture that may have rendered him unconscious, three jaw fractures and broken nose –

injuries that would have made drinking coffee virtually impossible. The extent of the bruising on Timol's legs would have made it difficult for him to stand.

She concluded that: "The multiple injuries that were present on the body of the deceased which could not be ascribed to the fall from a height indicate that the deceased sustained physical assault while in police custody prior to his death.

"This finding calls into question the conclusion of the original Inquest process that the manner of death was 'suicide' (and) therefore this finding must be challenged," Dr Holland said.

\* Sergeant Rodriguez is one of seven former members of the security police subpoenaed to give evidence to the inquest. He is expected to appear next week. Yesterday, Advocate Adrian Thompson, a member of Rodriguez's legal team, indicated to Judge Mothle that he would be bringing an application to delay Rodriguez's until the court is able to furnish his client with a full record of the original inquest. The full document appears to be "lost" or "missing".

\*\* The State agreed to re-open the Timol inquest after the family launched its own investigation and unearthed new evidence.

**For more information please call Benny Gool on 082 5566 556 or Roger Friedman on 0798966 899.**

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26 July 2017

Statement from the Ahmed Timol Family Trust

## **MEDICAL EVIDENCE OF TORTURE TO BE REVEALED TODAY** **Forensic pathologists to outline extent of pre-fall injuries**

Forensic pathologists are expected to testify today that Ahmed Timol suffered multiple injuries in detention before falling from a 10<sup>th</sup> floor window while under security police interrogation 46 years ago.

The evidence that Professor Steve Naidoo and Dr Shakeera Holland present to there-opened Timol inquest will challenge the finding of the original inquest that Timol was well-treated by police, and that all the injuries he suffered were incurred in his suicidal fall.

Timol, a member of the South African Communist Party actively involved in the anti-apartheid struggle, died on 27 October 1971 four days after being arrested at a police roadblock.

He was the 22<sup>nd</sup> of 73 activists who died in police custody between 1963 and 1990. In none of these matters have any members of the police ever brought to justice.

One of Timol's oldest friends, former Minister in the Presidency Essop Pahad, told Judge Billy Mothle yesterday that the police story that members of the Communist Party were under instructions to commit suicide to avoid revealing information to police was a lie.

Pahad dismissed the possibility of Timol committing suicide on three grounds:

- ? Timol was madly in love with a woman in England;
- ? As a devout Muslim, from a devout family, he knew that taking his own life would preclude his being buried in a Muslim cemetery; and
- ? They had specifically discussed appropriate responses to detention and torture and ruled out suicide as an option.

Pahad said shortly before Timol's return to South Africa from England to engage in underground activities, he and Timol had a detailed conversation about torture and deaths in detention

They discussed how the security police were responding to the death of detainees by concocting absurd stories such as prisoners' slipping on a bar of soap.

"We discussed that Timol would never commit suicide," Pahad said.

Activists were aware of the systemic torture of detainees by police, he said: "We knew a lot of people who had been tortured."

Pahad said they had discussed that it was not treacherous to break under torture. The important thing for the anti-apartheid movement was that if you did break down and give information you tried to limit the information, and hold out as long as possible to give comrades time to hide.

"In my view Timol was ready to be imprisoned," Pahad said.

Testifying before Pahad, distinguished trauma surgeon Prof Kenneth Boffard told the court what medical protocols police should have used after Timol's 10<sup>th</sup> floor fall.

While the police were ill-equipped to deal with medical trauma in the 1970s, it was already well-known that patients suffering spine and neck injuries should not be moved as this could worsen their condition.

Timol was not put in neck brace. He was not left still in the coma position to await the arrival of medical assistance. He was not rolled onto a stiff board when moved. And his air passages were not unblocked.

Instead, his body was rolled onto a blanket and carried into the foyer of the police station. When police could not locate a pulse in the foyer, they carried the body to the 9<sup>th</sup> Floor.

Professor Boffard said he was surprised police elected to move Timol after the fall. At the time, police were reluctant to offer first-aid of any kind in case they were held liable for further injuries.

Professor Boffard said he believes Timol's injuries after the fall were probably fatal, but his post-trauma treatment may have hastened the death.

He added that his study of the post-mortem documents had revealed a number of injuries that appeared to have been incurred prior to the fall. The spinal injuries appear to have been caused by the fall, but in his view there were some pre-mortem injuries as well, specially bruising and possibly fractures.

Forensic pathologists were better qualified than he, a trauma specialist, to analyse the pattern and timing of the injuries, he said.

Ends...

### Background

The State agreed to re-open the Timol Inquest after investigation by the family revealed new evidence. The inquest is being held in Court 2D at the Gauteng North High Court in Pretoria. Proceedings start at 10am. Members of the public are welcome to attend.

The Timol family is assisted by the South African non-profit Foundation on Human Rights (FHR); Advocate Howard Varney, a senior program adviser with The International Center for Transitional Justice (ICT), law firm Webber Wentzel, the Legal Resource Centre (LRC), and super-sleuth, FrankDutton, among others.

Those wishing to monitor proceedings electronically can do so at <http://www.ahmedtimol.co.za>, on Facebook <http://www.facebook.com/ahmed.timol.16> or on Twitter [@ahmed\\_timol1971](https://twitter.com/ahmed_timol1971).

The Ahmed Timol Exhibition at the Ditsong Museum (149 Visagie Street) will run until 22 September. Entrance costs R15 for children and R32 for adults. The Museum is open Monday to Friday between 8am and 4pm.

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25 July 2017

Statement from the Ahmed Timol Family Trust

### **AHMED TIMOL INQUEST GATHERING MOMENTUM**

**...Former Minister Essop Pahad to give evidence today  
...Apartheid police subpoenaed to attend next week**

The state has subpoenaed seven former members of the security police to testify at the re-opened inquest into the death of anti-apartheid activist Ahmed Timol in detention 46 years ago, police captain Benjamin Nel informed Judge Billy Mothle yesterday.

Timol, a member of the South African Communist Party, died on the 27 October 1971, four days after being detained.

The former policemen who have been subpoenaed include then-Sergeant Joao Rodriguez, who – according to the police version – was unable to prevent Timol from committing suicide by jumping from the 10<sup>th</sup> floor of John Vorster Square Police Station.

Captain Nel told Judge Mothle he had served the subpoenas on the former policemen to give evidence next week.

The original inquest into Timol's death endorsed the police version, but those who knew Timol strongly believed the police were lying and dismissed the inquest as a sham.

A central strand of the police version was that communists were under instructions to commit suicide to avoid revealing information under interrogation.

In her testimony yesterday, a veteran anti-apartheid activist and member of the South African Communist Party, poured cold water on this contention.

Stephanie Kemp, now 76, told the court of her own torture by police prior to her conviction for sabotage in the 1960s. After her release she sued the police, who settled in cash to avoid going to trial.

Kemp then left for London, where she worked fulltime for the South African Communist Party until her return to South Africa in 1990. She was the point person for communications between Timol and the party leadership abroad.

Asked yesterday what type of training Timol would have received on conducting himself under interrogation, she said it was accepted that most detainees would be tortured until giving a statement. “You need to delay that as long as possible to allow other people to escape... The whole ethos was to struggle, and be heroic and courageous.”

Earlier yesterday, the inquest heard the evidence of an eyewitness to Timol’s fall, former state prosecutor, Ernie Matthis. Matthis said he was in an office on the 4<sup>th</sup> or 6<sup>th</sup> floor when he saw the body drop past the window.

He told the court in which direction Timol’s body was facing as it fell, evidence that may be crucial when forensic pathologists take the stand.

The inquest also heard from former security policeman Paul Erasmus yesterday, the first former policemen to take the stand. Erasmus only joined the police a few years after Timol’s death, but vividly described the culture of police lawlessness that prevailed at the time – including the systemic torture of detainees.

In his testimony today, former Minister in the Presidency Essop Pahad, a childhood friend of Timol’s, is expected to reveal further information about Timol’s training in London and the Soviet Union, and his instructions on returning to South Africa.

Also on the witness list for today is Professor Ken Boffard. Professor Emeritus at the University of the Witwatersrand, Trauma Director and Academic Head of Trauma at Milpark Hospital, Johannesburg, and Visiting Professor of Trauma at Sahlgrenska Hospital, Gothenburg.

\* The State agreed to re-open the Timol Inquest after investigation by the family revealed new evidence. Timol was one of 73 detainees who died while in the hands of the police between 1963 and 1990. Police and apartheid-era inquest magistrates routinely described the deaths as suicides or accidents. None of the police have ever been held accountable.

The inquest is being held in Court 2D at the Gauteng North High Court in Pretoria. Members of the public are welcome to attend.

The Timol family is assisted by the South African non-profit Foundation on Human Rights (FHR); Advocate Howard Varney, a senior program adviser with The International Center for Transitional Justice (ICT), law firm Webber Wentzel, the Legal Resource Centre (LRC), and super-sleuth, FrankDutton, among others.

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Ends...

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23 July 2017

Statement from the Ahmed Timol Family Trust

## **WHY THE PURSUIT OF JUSTICE FOR AHMED TIMOL MATTERS**

### **Inquest resumes in Pretoria on Monday 46 years after his death**

The website [www.sahistory.org.za](http://www.sahistory.org.za) lists the names of 73 anti-apartheid activists who died in detention between 1963 and 1990. Nobody has ever been held accountable for any of those deaths.

The 22<sup>nd</sup> name on the list is Ahmed Timol, who died on 27 October 1971, four days after being arrested at a police roadblock.

In Timol's case, as with the others, inquests were held to rubber-stamp the police version of the death. According to police, Timol committed suicide by jumping out of a 10<sup>th</sup> floor window at John Vorster Square. Other deaths in detention were ascribed to "accidents" such as slipping in the shower...

Those who knew Ahmed Timol, and knew of the barbarism of apartheid police torturers, strongly believed the police version was a lie.

Approximately 21 years ago, Timol's nephew, Imtiaz Ahmed Cajee, began researching his uncle's death. He produced a book, *Timol: Quest for Justice*, and was the driving force behind the production of a documentary and exhibition of the same theme.

Re-opening the inquest was the long-term goal, a goal that was achieved last month in Johannesburg with the assistance of the South African non-profit Foundation on Human Rights (FHR); Howard Varney, a senior program adviser with The International Center for Transitional Justice (ICT), law firm Webber Wentzel, the Legal Resource Centre (LRC), and super-sleuth, Frank Dutton, among others.

After hearing five-days of evidence in June, Mr Justice Billy Mothle ordered the inquest to resume on Monday (24 July at 10am) in Court 2D at the North Gauteng

High Court (corner Paul Kruger & Madiba Streets, Pretoria). Members of the public are welcome to attend.

Among witnesses expected to testify are apartheid era policemen with direct knowledge of Timol's detention and interrogation.

Those wishing to monitor proceedings from afar can do so at <http://www.ahmedtimol.co.za>, on Facebook <http://www.facebook.com/ahmed.timol.16> or on Twitter @ahmed\_timol1971.

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Ends...

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20 July 2017

Statement from the Ahmed Timol Family Trust

## **AHMED TIMOL INQUEST RESUMES ON MONDAY IN PRETORIA**

### **Witnesses to include police directly involved in detention and interrogation**

The re-opened inquest into the death in police custody 46 years ago of anti-apartheid activist Ahmed Timol resumes in the North Gauteng High Court in Pretoria on Monday.

Timol was a young teacher from Roodepoort and a member of the South African Communist Party.

He died on 27 October 1971, four days after being arrested at a police roadblock in the company of a friend and comrade, the medical student, Saleem Essop.

According to the police version of events, which was endorsed by the inquest magistrate at the time, Timol jumped from the 10<sup>th</sup> Floor of John Vorster Square in Johannesburg while under interrogation.

But family, comrades and friends never believed Timol jumped. They believe he was either pushed out the window by police, or thrown out the window after being tortured to death.

The re-opened inquest heard five days of evidence in Johannesburg last month. Among the witnesses was Dr Essop, who described being brutally assaulted by police in the days after being arrested with Timol.

Dr Essop landed up in hospital. He said the last time he saw Timol, shuffling down a passage, head in a hood, being escorted by his captors, his friend gave the appearance of having been brutally tortured, too.

Over the next two weeks, the inquest will take evidence from witnesses to the fall, and experts on forensic pathology and torture in detention. South African Communist Party members will reveal details of their instructions under interrogation.

And, finally, the inquest will hear from former members of the police who were directly involved in Timol's detention and interrogation.

Journalists are encouraged to attend and report on these events.

Ends...

### **Short biography of Ahmed Timol**

- Born in Breyten in 1941
- Attends Primary School in Roodepoort
- Matriculates from Johannesburg Indian High School in 1959
- Graduates as a teacher at Johannesburg Training Institute for Indians in 1963
- Teaches at Roodepoort Indian High School in 1964
- In 1965 he completes his Hajj to Mecca, then travels to London to reunite with old friends, the ANC activist brothers, Aziz and Essop Pahad
- In 1969 he accompanies former President Thabo Mbeki to Lenin University in the Soviet Union for political training
- Returns to South Africa in 1970 to set up underground structures for the communist party
- Arrested at police roadblock on Friday 22 October 1971
- Dies on 27 October, the 22<sup>nd</sup> political detainee to die while in the hands of apartheid police since 1960.

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